

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-CV-21463-ALTMAN/SANCHEZ

NEREYDA SUHEY CASTILLO MARENCO,

Plaintiff,

vs.

J.C. PAINTING CONTRACTOR
LLC, MARIA GONZALEZ, AND
TOMAS GONZALEZ,

Defendants.

_____ /

NOTICE OF FILING ACCEPTANCES OF OFFERS OF JUDGMENT
PURSUANT TO FED. R. CIV. P. 68

Plaintiff, Nereyda Suhey Castillo Morenco, through her undersigned counsel and pursuant to Fed. R. Civ. P. 68(a), requests the Clerk of Court to enter a judgment in her favor and against the Defendants, J.C. Painting Contractor, LLC, Maria Gonzalez, and Tomas Gonzalez, as follows:

1. Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, served an Offer of Judgment on Plaintiff on July 11, 2024, wherein they offered *inter alia*, to allow a judgment to be entered in Plaintiff's favor and against the Defendants, jointly and severally on Count I, in the total aggregate amount of \$25,000.00, consisting of

- a. \$12,500.00 to Plaintiff as alleged unpaid overtime wages, to be made payable to Plaintiff, with all applicable taxes and withholdings deducted from the gross amount of the payment;

- b. \$12,500.00 to Plaintiff as alleged liquidated damages, to be made payable to Plaintiff, with no taxes or withholdings deducted from the gross amount of the payment; and
- c. Entitlement to recover her attorney's fees and costs from Defendants, jointly and severally, as the prevailing party under 29 U.S.C. §216(b).

(Exhibit "A".)

2. Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, served an Offer of Judgment on Plaintiff on July 11, 2024, wherein they offered *inter alia*, to allow a judgment of \$5,000.00 to be entered in Plaintiff's favor and against the Defendants on Count II, and to be entitled to recover her attorneys' fees and costs from the Defendants, jointly and severally.

(Exhibit "B".)

3. Plaintiff sent an email to defense counsel on July 15, 2024, and attached her Notices of acceptance of the Defendants' offers (Exhibit "C"), to include:

- a. A Notice of Acceptance of the Defendants' offer to allow a judgment for \$25,000.00 to be entered against them, jointly and severally, on Count I (inclusive of \$12,500.00 in compensatory overtime wage damages and \$12,500.00 in liquidated damages), and for entitlement to recover her attorney's fees and costs from them pursuant to 29 U.S.C. §216(b) (Exhibit "D"); and
- b. A Notice of Acceptance of the Defendants' offer to allow a judgment for \$5,000.00 to be entered against them, jointly and severally, on Count II, and for entitlement to recover her attorney's fees and costs from them pursuant to 26 U.S.C. §7434.

(Exhibit "E".)

4. Plaintiff requests the Clerk of Court to enter a judgment in Plaintiff's favor and against the Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, pursuant to Fed. R. Civ. P. 68, to include the following:

- a. Entering a judgment in favor of Plaintiff, Nereyda Suhey Castillo Morenco, and against the Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, jointly and severally, on Count I for \$25,000.000, which includes \$12,500.00 in compensatory overtime wage damages and \$12,500.00 in liquidated damages caused by Defendants' violations of the FLSA.
- b. Entering a judgment in favor of Plaintiff, Nereyda Suhey Castillo Morenco, and against the Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, jointly and severally, on Count II for \$5,000.000 for statutory damages pursuant to 26 U.S.C. §7434.
- c. Entering a judgment determining Plaintiff, Nereyda Suhey Castillo Morenco, to the prevailing party and entitled to recover her attorney's fees and costs from the Defendants, J.C. Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, jointly and severally, pursuant to 29 U.S.C. §216(b) and 26 U.S.C. §7434 in an amount to be determined by the Court.
- d. Entering a judgment to bear interest at the rate prescribed by 28 U.S.C. section 1961 and shall be enforceable as prescribed by 28 U.S.C. sections 2001–2007, 28 U.S.C. sections 3001–3307, and Federal Rule of Civil Procedure 69(a).
- e. Entering a judgment with the Court retaining jurisdiction over this cause and over the parties for the purposes of entering all further orders that are just and proper.

Dated this 23rd day of July 2024.

s/Brian H. Pollock, Esq.
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